

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
San Francisco Division

FRANCISCA MORALES,
Plaintiff,
v.
LITTLE MADFISH,
Defendant.

Case No. 16-cv-05480-LB

**ORDER TO SHOW CAUSE FOR
FAILURE TO PROSECUTE**

The plaintiff filed a complaint against the defendant on September 26, 2016. (Complaint, ECF No. 1.) Under the scheduling order at ECF No. 3, the date for completing service was November 25, 2016. Because the plaintiff did not file proof of service, on December 30, 2016 the court asked for an update by January 6, 2017. (ECF No. 7.) After receiving no word, the court again asked the plaintiff to update the court about service no later than February 2, 2017. (ECF No. 8.) On both occasions, the court warned that absent a showing of good cause, failing to timely serve a case can result in the case being dismissed without prejudice under Federal Rule of Civil Procedure 4(m). To date, the plaintiff has filed no proof that the defendant has been served or provided an explanation about why there is good cause for not serving it. (*See generally* Docket.)

Accordingly, the court sets a hearing on February 16, 2017, at 11 a.m., for the plaintiff to show cause why the case should not be dismissed under Rule 4(m) without prejudice for failure to serve

1 the defendant. The plaintiff must file a written response by February 9, 2017.

2 **IT IS SO ORDERED.**

3 Dated: February 6, 2017



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5 LAUREL BEELER
United States Magistrate Judge
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